

Frank Castaldo, 806116B/261024
East Jersey State Prison
Lock Bag R
Rahway, NJ 07065
Plaintiff, Pro Se

U.S. DISTRICT COURT
NEW JERSEY
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9-24-19
~~2019~~ ~~2019~~

Clerk of the Court
United States District Court
M. L. K., Jr. Federal Bldg. & U.S. Courthouse
50 Walnut St.
Newark, NJ 07102

Re: Frank Castaldo and Organic Pagans v. New Jersey, et al
Civil Number: 2:18-cv-14249-ES-JAD

Dear Clerk:

Enclosed please find the originals and one copy of the following documents to be filed:

1. Notice of Motion to Withdraw;
2. Declaration in Support of Motion;
3. Certification of Service.

Thank you for your time and consideration.

Respectfully,



Frank Castaldo, Pro-Se Plaintiff

cc: N.J. Attorney General;
file

UNITED STATES DISTRICT COURT
For the District of New Jersey

FRANK CASTALDO and ORGANIC PAGANS, :
Plaintiffs, :
V. : Civil No.: 14249-ES-JAD
NEW JERSEY, et al, :
Defendants :

NOTICE OF MOTION TO WITHDRAW

To: New Jersey Attorney General
R.J. Hughes Justice Complex
P.O. Box 112
Trenton, NJ 08625

PLEASE TAKE NOTICE that the undersigned plaintiff in the above-captioned matter hereby moves before the United States District Court, for the District of New Jersey, for the Court to permit the undersigned to withdraw from this case, but to allow the case to proceed with the other named plaintiffs.

The undersigned relies on the attached declaration.

Dated:

Frank Castaldo
Frank Castaldo, Pro-Se Plaintiff

UNITED STATES DISTRICT COURT
For the District of New Jersey

FRANK CASTALDO and ORGANIC PAGANS,	:	
Plaintiffs,	:	
V.	:	Civil No.: 14249-ES-JAD
NEW JERSEY, et al,	:	
Defendants	:	

DECLARATION IN SUPPORT OF MOTION TO WITHDRAW

I, Frank Castaldo, hereby declare the following facts:

1. When I initiated this case for myself and all other pagans, I signed off on a motion for a Temporary Restraining Order to prevent threatened retaliation. Since then, Plaintiff Gary Wilson informed Defendant Rev. Akins on July 16, 2019, that he would be getting served in the very near future. That night, Wilson told us in the messhall that defendant Akins had said "I warned you guys about playing with fire if you want to stay here and have your little study group." The next day, Wilson's cell was searched three times in one day and a lot of his property was destroyed. The following day, Wilson was searched again, given charges, and shipped out, and Akins ensured that no passes were issued for Defendants for multiple weeks.

2. Subsequently, plaintiffs Duncan and Planker began submitting more complaints on the kiosk in lieu of the written forms that had been being ignored. They were told by Akins that they would regret it if they didn't knock it off. Duncan was fired and moved to a punishment wing, and Planker was shipped out. (See recently filed motion by Duncan, and attached certification from Plaintiff Planker.) I fear I'll be next.

UNITED STATES DISTRICT COURT
For the District of New Jersey

FRANK CASTALDO and ORGANIC PAGANS, :
Plaintiffs, :
V. : Civil No.: 14249-ES-JAD
NEW JERSEY, et al, :
Defendants :
CERTIFICATION OF PLANKER

I, Kevin Planker, certify the following facts:

1. I have typed almost every document that has been filed in this case, and I am willing to continue to create the documents for this case unless and until counsel is appointed.

2. Plaintiff Castaldo has been expressing concerns over threats of retaliation since the beginning of this case, and he has finally told me that he will no longer take the risk of being retaliated against. He previously had me complete a motion for him to withdraw from the case, and he stated that he wanted me to file it if any further retaliation took place. Once Plaintiff Duncan was fired and moved and our gathering were cancelled for well over a month, Castaldo signed the documents and said he was probably going to file them, but me and some other plaintiffs talked him out of it. After I got shipped out, he mailed me the documents with only one page having been changed, and he asked me to complete this certification and mail it to the court with his motion, which I am now doing.

3. I will take over as the lead plaintiff if the court permits Castaldo to withdraw from this case, and I will not withdraw, no matter what happens. I just ask that prisoners who signed the amended complaint and are at other prisons be sent copies of all legal notices from here on out, and that the Court reconsider the previously filed motion asking for a TRO to prevent further retaliation, along with the recently filed motion from plaintiff Duncan.

4. After submitting several filings on the kiosk grievance system, I was told again by Defendant Akins and other members of his staff, and by an administrator at EJSP, that I would be shipped out if I continued to file grievances, which is a threat that I had also mentioned in my recent filings. I stopped for a little while after a face-to-face meeting with an administrator, but after the defendants began being served by the U.S. Marshal's Service, and after I filed more complaints, I got shipped out.

5. I am now in Northern State Prison, where it is excessively difficult for me to interact with the other plaintiffs from EJSP. I went three weeks without any property, and when I got my property, many documents from this case were missing.

6. Each time I am shipped to another prison, the ordeal is worse than any form of permitted punishment in the New Jersey Prison system, losing hundreds of dollars worth of property, and going for long periods without having the addresses of my

loved ones, postage to write anyone if I did remember their addresses, and anything other than a change of shirt, socks, and boxers, without any means of washing them until I get my property. Even if they were to ship me back to EJSP right now, I would not be placed back in a single cell because it takes almost a year to be on the waiting list before I can be returned to a single-cell housing unit, and double locking is one of the worst experiences about prison.

I hereby certify under penalty of perjury that the foregoing statements are true and correct.

Dated: 9-23-19


Frank Castaldo, Pro-Se Plaintiff

UNITED STATES DISTRICT COURT
For the District of New Jersey

FRANK CASTALDO and ORGANIC PAGANS, :

Plaintiffs, :

v. :

Civil No.: 14249-ES-JAD

NEW JERSEY, et al, :

Defendants :

CERTIFICATION OF SERVICE

I, Frank Castaldo, certify that on this date I mailed the originals and one copy of the following documents to the clerk of this Court, and additional copies to the New Jersey Attorney General:

1. Notice of Motion to Withdraw;
2. Declaration in Support of Motion;
3. Certification of Service.

I hereby certify under penalty of perjury that the foregoing statements are true and correct.

Dated: 9-24-19


Frank Castaldo, Pro-Se Plaintiff

Dated By
Kevin Planker
and mailed
on this
date by
Kevin Planker,
but signed by
Frank Castaldo

Kevin Planker

315875/926765B

Northern State Prison

168 Frontage Rd.

Newark, NJ 07114

VERIFIED

U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
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KEARNY NJ 070
WED 25 SEP 2019 PM

United States District Court
M.L.K., Jr. Federal Bldg. and Courthouse
50 Walnut St.
Newark, NJ 07102

